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**FAX**

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Date December 15, 2005

To Examiner Ngoclan Thi Mai

Of PTO Group Art Unit 1742

Fax 571-273-1246

From Abraham J. Rosner

Subject Terminal Disclaimer

Our Ref Q77794                      Appln No 10/675,955

Conf No 1679                      Inventors Kazumi NAITO, et al.

Pages 6 (including cover sheet)

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
1. This cover sheet
2. Terminal Disclaimer (one (1) page)
3. Submission of Terminal Disclaimer (in duplicate)
4. Interview Statement (two (2) pages) Statement of Substance of Interview

**CERTIFICATION OF FACSIMILE TRANSMISSION**

Sir:

I hereby certify that the above identified correspondence is being facsimile transmitted to Examiner Ngoclan Thi Mai at the Patent and Trademark Office on December 15, 2005 at 571-273-1246.

Respectfully submitted,

  
Abraham J. Rosner  
Registration No. 33,276

**PATENT APPLICATION  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of	Docket No: Q77794
Kazumi NAITO, et al.	
Appln. No.: 10/675,955	Group Art Unit: 1742
Confirmation No.: 1679	Examiner: Ngoelan Thi Mai
Filed: October 2, 2003	

For: NIOBIUM POWDER FOR CAPACITOR, SINTERED BODY THEREOF AND  
CAPACITOR USING THE SINTERED BODY

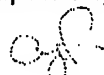
**SUBMISSION OF TERMINAL DISCLAIMER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith is a Terminal Disclaimer in the above-identified application. The USPTO is directed and authorized to charge the statutory fee of \$130.00 (Terminal Disclaimer) and all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this Submission is attached.

Respectfully submitted,



Abraham J. Rosner  
Registration No. 33,276

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
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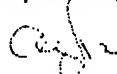
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**PATENT APPLICATION  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q77794

Kazumi NATTO, et al.

Appln. No.: 10/675,955

Group Art Unit: 1742

Confirmation No.: 1679

Examiner: Ngoclan Thi Mai

Filed: October 2, 2003

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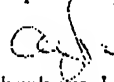
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Respectfully submitted,



Abraham J. Rosner  
Registration No. 33,276

# **TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT**

Docket  
Number

QT7794

In re Application of: Kazumi NAITO, et al.

Application No.: 10/675,955

Filed: October 2, 2003

For: NIOBIUM POWDER FOR CAPACITOR, SINTERED BODY THEREOF AND CAPACITOR USING  
THE SINTERED BODY

The owner\*, SHIOWA DENKO K.K., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of **prior patent** No. 6,663,687 as the term of said **prior patent** is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later:

expires for failure to pay a maintenance fee;

is held unenforceable;

is found invalid by a court of competent jurisdiction;

is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;

has all claims canceled by a reexamination certificate;

is reissued; or


is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

	December 15, 2005
_____ Signature	_____ Date
Abraham J. Rosner	33,276
Typed or printed name	Reg No.
	202-663-7460
	Telephone Number

☒ Terminal disclaimer fee under 37 CFR 1.20(d) or authorization to charge said fee to Deposit Account No. 10-4880 is included.

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).

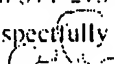
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

## **CERTIFICATION OF FACSIMILE TRANSMISSION**

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Respectfully submitted,

  
Abraham J. Rosner

Registration No. 33,276

**PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q77794

Kazumi NAITO, et al.

Appln. No.: 10/675,955

Group Art Unit: 1742

Confirmation No.: 1679

Examiner: Ngoelan Thi Mai

Filed: October 2, 2003

For: NIOBIUM POWDER FOR CAPACITOR, SINTERED BODY THEREOF AND  
CAPACITOR USING THE SINTERED BODY

**INTERVIEW STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This summarizes a telephone conference with the undersigned initiated by Examiner Mai on December 14, 2005. The substance of the telephone conference is as follows.

Although the Amendment and Response of October 11, 2005 overcomes the rejection over WO 00/15555, the Examiner updated her prior art search and advised that she intended to reject the pending claims for obviousness-type double patenting as being obvious over the claims of U.S. Patent No. 6,663,687 to Naito et al. in view of U.S. Patent No. 6,051,044 to Fife.

The Examiner expects to be able to allow the application at this time if the common assignee would file a Terminal Disclaimer relative to U.S. Patent No. 6,663,687 (by facsimile transmission) to the USPTO. Alternatively, the Examiner would issue a new Office Action.

In response thereto, the common assignee submits herewith a Terminal Disclaimer, disclaiming the terminal part of the statutory term of any patent granted on the instant application

INTERVIEW STATEMENT  
U.S. Application No. 10/675,955

Q77794

which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,663,687.

Withdrawal of all rejections and allowance of claims 15, 16, 18, 19, 21, 22 and 24-33 is earnestly solicited.

It is believed that no petition or fee is required. However, if the USPTO deems otherwise, Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,



Abraham J. Rosner  
Registration No. 33,276

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
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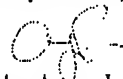
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